

DIVISION OF COMMUNITY DEVELOPMENT

NAME CHANGE

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill modifies provisions related to the Division of Community Development.

Highlighted Provisions:

This bill:

- ▶ changes the name of the Division of Community Development to the Division of Housing and Community Development; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

- 9-1-810**, as enacted by Chapter 119, Laws of Utah 1994
- 9-3-403**, as last amended by Chapter 151, Laws of Utah 2001
- 9-4-102**, as last amended by Chapter 95, Laws of Utah 2003
- 9-4-201**, as enacted by Chapter 241, Laws of Utah 1992
- 9-4-1002**, as enacted by Chapter 253, Laws of Utah 1993
- 9-4-1403**, as enacted by Chapter 286, Laws of Utah 2000
- 9-10-101**, as enacted by Chapter 341, Laws of Utah 1995
- 9-11-102**, as last amended by Chapter 150, Laws of Utah 2001
- 9-14-101**, as enacted by Chapter 368, Laws of Utah 1999

9-15-101, as enacted by Chapter 368, Laws of Utah 1999

35A-3-103, as last amended by Chapter 159, Laws of Utah 2002

35A-3-309, as last amended by Chapter 159, Laws of Utah 2002

59-12-902 (Superseded 07/01/04), as last amended by Chapters 104 and 162, Laws of Utah 2001

59-12-902 (Effective 07/01/04), as last amended by Chapter 312, Laws of Utah 2003

63-38d-502, as enacted by Chapter 16, Laws of Utah 2003

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **9-1-810** is amended to read:

9-1-810. Administration, reporting, and expenses.

(1) The Division of Housing and Community Development shall provide necessary administrative and staff support services to the commission.

(2) The commission shall report to the office of the lieutenant governor.

Section 2. Section **9-3-403** is amended to read:

9-3-403. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and expenses.

(1) There is created an independent state agency and a body politic and corporate known as the "Utah Science Center Authority."

(2) (a) The authority shall be composed of 13 members.

(b) The governor shall appoint:

(i) three members representing the informal science and arts community that could include members from the board of directors of the Hansen Planetarium, the Hogle Zoo, the Children's Museum of Utah, the Utah Museum of Natural History, and other related museums, centers, and agencies;

(ii) one member of the State Board of Education;

(iii) one member of the Division of Housing and Community Development of the Department of Community and Economic Development;

(iv) one member of the Board of Travel Development;

(v) one member of the State Board of Regents; and

(vi) three public members representing Utah industry, the diverse regions of the state, and the public at large.

(c) The county legislative body of Salt Lake County shall appoint one member to represent Salt Lake County.

(d) The mayor of Salt Lake City shall appoint one member to represent Salt Lake City Corporation.

(e) The State Science Advisor or [~~his~~] the advisor's designee is also a member of the authority.

(f) In appointing the three public members, the governor shall ensure that there is representation from the science, technology, and business communities.

(3) All members shall be residents of Utah.

(4) Each member shall be appointed for four-year terms beginning July 1 of the year appointed.

(5) (a) Except as required by Subsection (5)(b), as terms of current authority members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.

(6) [~~Any~~] A member may be removed from office by the governor or for cause by an affirmative vote of [~~any~~] nine members of the authority.

(7) When a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term.

(8) Each public member shall hold office for the term of his appointment and until [~~his~~] the member's successor has been appointed and qualified.

(9) [~~Any~~] A public member is eligible for reappointment, but may not serve more than two full consecutive terms.

(10) The governor shall appoint the chair of the authority from among its members.

(11) The members shall elect from among their number a vice chair and other officers they may determine.

(12) The chair and vice chair shall be elected for two-year terms.

(13) The powers of the authority shall be vested in its members.

(14) Seven members constitute a quorum for transaction of authority business.

(15) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the authority at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

(d) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their

service.

Section 3. Section **9-4-102** is amended to read:

9-4-102. Definitions.

As used in this chapter:

(1) "Accessible housing" means housing which has been constructed or modified to be accessible, as described in the construction codes adopted under Section 58-56-4.

(2) "Director" means the director of the division.

(3) "Division" means the Division of Housing and Community Development.

Section 4. Section **9-4-201** is amended to read:

9-4-201. Division of Housing and Community Development.

There is created within the department the Division of Housing and Community Development under the administration and general supervision of the director.

Section 5. Section **9-4-1002** is amended to read:

9-4-1002. Office of Museum Services created -- Purpose.

(1) There is created within the Division of Housing and Community Development the Office of Museum Services.

(2) The office shall assist Utah museums in improving their ability to care for and manage collections, develop quality educational resources such as exhibitions, collections, and publications, and provide access to collections for research.

Section 6. Section **9-4-1403** is amended to read:

9-4-1403. State Community Services Office created -- Purpose.

(1) There is created within the Division of Housing and Community Development the State Community Services Office.

(2) The office shall strengthen communities by reducing poverty and improving the quality of life for low-income persons in this state.

Section 7. Section **9-10-101** is amended to read:

9-10-101. Definitions.

As used in this chapter:

(1) "Board" means the Uintah Basin Revitalization Fund Board.

(2) "Capital projects" means expenditures for land, improvements on the land, and equipment intended to have long-term beneficial use.

(3) "Division" means the Division of Housing and Community Development.

(4) "Revitalization Fund" means the Uintah Basin Revitalization Fund.

(5) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation.

Section 8. Section **9-11-102** is amended to read:

9-11-102. Definitions.

As used in this chapter:

(1) "Board" means the Navajo Revitalization Fund Board.

(2) "Capital projects" means expenditures for land, improvements on the land, and equipment intended to have long-term beneficial use.

(3) "Division" means the Division of Housing and Community Development.

(4) "Eligible entities" means:

(a) the Navajo Nation;

(b) a department or division of the Navajo Nation;

(c) a Utah Navajo Chapter, as defined in Section 63-88-101;

(d) the Navajo Utah Commission;

(e) an agency of the state or a political subdivision of the state;

(f) the Navajo Trust Fund established under Title 63, Chapter 88, Navajo Trust Fund; or

(g) a nonprofit corporation.

(5) "Navajo Utah Commission" means the commission created by Resolution IGRJN-134-92 of the Intergovernmental Relations Committee of the Navajo Nation Council.

(6) "Revitalization fund" or "fund" means the Navajo Revitalization Fund.

Section 9. Section **9-14-101** is amended to read:

9-14-101. Definitions.

As used in this chapter:

(1) "Board" means the Rural Development Fund Board.

(2) "Development Fund" means the Rural Development Fund.

(3) "Division" means the Division of Housing and Community Development.

(4) "Eligible entity" means Garfield, Kane, Piute, or Wayne County and [~~any~~] an incorporated municipality or special service district within those counties.

Section 10. Section **9-15-101** is amended to read:

9-15-101. Definitions.

As used in this chapter:

(1) "Board " means the Rural Electronic Commerce Communications System Fund Board established within the division.

(2) "Division" means the Division of Housing and Community Development.

(3) "Fund" means the Rural Electronic Commerce Communications System Fund.

Section 11. Section **35A-3-103** is amended to read:

35A-3-103. Division responsibilities.

The division shall:

(1) administer public assistance programs assigned by the Legislature and the governor;

(2) determine eligibility in accordance with the requirements of this chapter for public assistance programs assigned to it by the Legislature or the governor;

(3) cooperate with the federal government in the administration of public assistance programs;

(4) administer the Utah state employment service in accordance with Section 35A-3-115;

(5) provide for the compilation of necessary or desirable information, statistics, and reports;

(6) perform [~~any~~] other duties and functions required by law;

(7) monitor the application of eligibility policy;

(8) develop personnel training programs for more effective and efficient operation of all programs under the administration of the division;

(9) provide refugee resettlement services;

(10) provide child care assistance for children; and

(11) provide services and support that enable clients to qualify for affordable housing in cooperation with:

- (a) the Utah Housing Corporation;
- (b) the Division of Housing and Community Development within the Department of Community and Economic Development; and
- (c) local housing authorities.

Section 12. Section **35A-3-309** is amended to read:

35A-3-309. Information regarding home ownership.

(1) The division shall provide information and service coordination to assist a client to occupy affordable housing.

(2) The information and services may include:

~~[(1)]~~ (a) information from the Utah Housing Corporation and the Division of Housing and Community Development within the Department of Community and Economic Development regarding special housing programs, including programs for first-time home buyers and persons with low and moderate incomes and the eligibility requirements for those programs;

~~[(2)]~~ (b) referrals to programs operated by volunteers from the real estate industry that assist clients in obtaining affordable housing, including information on home ownership, down payments, closing costs, and credit requirements; and

~~[(3)]~~ (c) referrals to housing programs operated by municipalities, counties, local housing authorities, and nonprofit housing organizations that assist individuals to obtain affordable housing, including first-time home ownership.

Section 13. Section **59-12-902 (Superseded 07/01/04)** is amended to read:

59-12-902 (Superseded 07/01/04). Sales tax refund for qualified emergency food agencies -- Use of amounts received as refund -- Administration -- Rulemaking authority.

(1) Beginning on January 1, 1998, a qualified emergency food agency may claim a sales tax refund as provided in this section on the pounds of food donated to the qualified emergency food agency.

(2) (a) Subject to the adjustments provided for in Subsection (2)(b), a qualified

emergency food agency may claim a refund in an amount equal to the pounds of food donated to the qualified emergency food agency multiplied by:

(i) \$1.70; and

(ii) the sum of:

(A) 4.75%; and

(B) except as provided in Subsection (2)(c), the sum of the tax rates provided for in Subsection (2)(b).

(b) Tax rates authorized under the following apply to Subsection (2)(a)(ii)(B):

(i) (A) the lowest tax rate imposed by a county, city, or town under Section 59-12-204, but only if all of the counties, cities, and towns in the state impose the tax under Section 59-12-204; or

(B) the lowest tax rate imposed by a county, city, or town under Section 59-12-205, but only if all of the counties, cities, and towns in the state impose the tax under Section 59-12-205;

(ii) the tax rate authorized by Section 59-12-501 or Section 59-12-1001, but only if all of the counties, cities, and towns in the state impose the tax:

(A) under Section 59-12-501; or

(B) under Section 59-12-1001;

(iii) the tax rate authorized by Section 59-12-502, but only if all of the counties, cities, and towns in the state impose the tax under Section 59-12-502;

(iv) the tax rate authorized by Section 59-12-703, but only if all of the counties in the state impose the tax under Section 59-12-703; and

(v) the tax rate authorized by Section 59-12-1102, but only if all of the counties in the state impose the tax under Section 59-12-1102.

(c) Tax rates authorized under the following do not apply to Subsection (2)(a)(ii)(B):

(i) Subsection 59-12-103(2)(a)(i);

(ii) Subsection 59-12-103(2)(b)(i);

(iii) Subsection 59-12-103(2)(c)(i);

(iv) Section 59-12-301;

- (v) Section 59-12-352;
- (vi) Section 59-12-353;
- (vii) Section 59-12-401;
- (viii) Section 59-12-402;
- (ix) Section 59-12-603;
- (x) Section 59-12-802;
- (xi) Section 59-12-804;
- (xii) Section 59-12-1201; or
- (xiii) Section 59-12-1302.

(d) Beginning on January 1, 1999, the commission shall annually adjust on or before the second Monday of February the \$1.70 provided in Subsection (2)(a)(i) by a percentage equal to the percentage difference between the food at home category of the Consumer Price Index for:

- (i) the preceding calendar year; and
- (ii) calendar year 1997.

(3) To claim a sales tax refund under this section, a qualified emergency food agency shall file an application with the commission.

(4) A qualified emergency food agency may use amounts received as a sales tax refund under this section only for a purpose related to:

- (a) warehousing and distributing food to other agencies and organizations providing food to low-income persons; or
- (b) providing food directly to low-income persons.

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for implementing the sales tax refund under this section, including:

- (a) standards for determining and verifying the amount of the sales tax refund; and
- (b) procedures for a qualified emergency food agency to apply for a sales tax refund, including the frequency with which a qualified emergency food agency may apply for a sales tax refund.

(6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Division of Housing and Community Development may establish rules providing for the certification of emergency food agencies to claim a refund under this part.

Section 14. Section **59-12-902 (Effective 07/01/04)** is amended to read:

59-12-902 (Effective 07/01/04). Sales tax refund for qualified emergency food agencies -- Use of amounts received as refund -- Administration -- Rulemaking authority.

(1) Beginning on January 1, 1998, a qualified emergency food agency may claim a sales tax refund as provided in this section on the pounds of food and food ingredients donated to the qualified emergency food agency.

(2) (a) Subject to the adjustments provided for in Subsection (2)(b), a qualified emergency food agency may claim a refund in an amount equal to the pounds of food and food ingredients donated to the qualified emergency food agency multiplied by:

(i) \$1.70; and

(ii) the sum of:

(A) 4.75%; and

(B) the sum of the tax rates provided for in Subsection (2)(b).

(b) Tax rates authorized under the following apply to Subsection (2)(a)(ii)(B):

(i) the tax rate authorized by Section 59-12-204;

(ii) the tax rate authorized by Section 59-12-501 or Section 59-12-1001, but only if all of the counties, cities, and towns in the state impose the tax:

(A) under Section 59-12-501; or

(B) under Section 59-12-1001;

(iii) the tax rate authorized by Section 59-12-502, but only if all of the counties, cities, and towns in the state impose the tax under Section 59-12-502;

(iv) the tax rate authorized by Section 59-12-703, but only if all of the counties in the state impose the tax under Section 59-12-703; and

(v) the tax rate authorized by Section 59-12-1102, but only if all of the counties in the state impose the tax under Section 59-12-1102.

(c) Beginning on January 1, 1999, the commission shall annually adjust on or before the second Monday of February the \$1.70 provided in Subsection (2)(a)(i) by a percentage equal to the percentage difference between the food at home category of the Consumer Price Index for:

- (i) the preceding calendar year; and
- (ii) calendar year 1997.

(3) To claim a sales tax refund under this section, a qualified emergency food agency shall file an application with the commission.

(4) A qualified emergency food agency may use amounts received as a sales tax refund under this section only for a purpose related to:

- (a) warehousing and distributing food and food ingredients to other agencies and organizations providing food and food ingredients to low-income persons; or
- (b) providing food and food ingredients directly to low-income persons.

(5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for implementing the sales tax refund under this section, including:

- (a) standards for determining and verifying the amount of the sales tax refund; and
- (b) procedures for a qualified emergency food agency to apply for a sales tax refund, including the frequency with which a qualified emergency food agency may apply for a sales tax refund.

(6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the Division of Housing and Community Development may establish rules providing for the certification of emergency food agencies to claim a refund under this part.

Section 15. Section **63-38d-502** is amended to read:

63-38d-502. Membership -- Terms -- Chair -- Expenses.

(1) The Resource Development Coordinating Committee shall consist of the following 25 members:

- (a) the state science advisor;
- (b) a representative from the Department of Agriculture and Food appointed by the

executive director;

(c) a representative from the Department of Community and Economic Development appointed by the executive director;

(d) a representative from the Department of Environmental Quality appointed by the executive director;

(e) a representative from the Department of Natural Resources appointed by the executive director;

(f) a representative from the Department of Transportation appointed by the executive director;

(g) a representative from the Division of Business and Economic Development appointed by the director;

(h) a representative from the Division of Housing and Community Development appointed by the director;

(i) a representative from the Division of State History appointed by the director;

(j) a representative from the Division of Air Quality appointed by the director;

(k) a representative from the Division of Drinking Water appointed by the director;

(l) a representative from the Division of Environmental Response and Remediation appointed by the director;

(m) a representative from the Division of Radiation appointed by the director;

(n) a representative from the Division of Solid and Hazardous Waste appointed by the director;

(o) a representative from the Division of Water Quality appointed by the director;

(p) a representative from the Division of Oil, Gas, and Mining appointed by the director;

(q) a representative from the Division of Parks and Recreation appointed by the director;

(r) a representative from the Division of Forestry, Fire and State Lands appointed by the director;

(s) a representative from the Utah Geological Survey appointed by the director;

(t) a representative from the Division of Water Resources appointed by the director;

- (u) a representative from the Division of Water Rights appointed by the director;
- (v) a representative from the Division of Wildlife Resources appointed by the director;
- (w) a representative from the School and Institutional Trust Lands Administration appointed by the director;
- (x) a representative from the Division of Facilities Construction and Management appointed by the director; and
- (y) a representative from the Division of Emergency Services and Homeland Security appointed by the director.

(2) (a) As particular issues require, the committee may, by majority vote of the members present, and with the concurrence of the state planning coordinator, appoint additional temporary members to serve as ex officio voting members.

(b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

(3) A chair shall be selected by a majority vote of committee members with the concurrence of the state planning coordinator.

(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

Section 16. Effective date.

This bill takes effect May 3, 2004, except that the amendments to Section 59-12-902

Enrolled Copy

S.B. 152

(Effective 07/01/04) take effect July 1, 2004.